

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 10 MAY 2005

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MM/00W811W0	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/NZ2003/000281	International Filing Date (day/month/year) 19 December 2003	Priority Date (day/month/year) 23 December 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ E04B 1/35, B66F 3/08		
Applicant JACKING SYSTEMS LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **4** sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23 June 2004	Date of completion of the report 26 April 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JASON PREMNATH Telephone No. (02) 6283 2127

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The claims 1 - 24 relate to a system/ method of lifting a concrete slab. It is considered that "the connection means comprising support means for connecting the slab and the shaft, means for effecting longitudinal travel of the slab, position sensors and means for controlling the jack whereby the jacks move in a synchronised manner" comprises the first special technical feature.

The claims 25 - 40 relate to a jack/ method of lifting a concrete slab. It is considered that "a shaft, a ball screw arrangement and a support device for supporting the shaft to prevent toppling" comprises the second special technical feature.

Since these groups of claims do not share any of the special technical features identified, a technical relationship between the inventions does not exist. Accordingly the claims do not relate to one invention or to a single inventive concept.

4. The following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/NZ2003/000281

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 25 - 40	YES
	Claims 1 - 24	NO
Inventive step (IS)	Claims 25 - 40	YES
	Claims 1 - 24	NO
Industrial applicability (IA)	Claims 1 - 40	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Novelty (N) and Inventive Step (IS)

Documents cited in the International Search Report:

D1) US 5644893 (claims 1 - 24)

D2) US 2867111 (claims 1 - 8)

D3) GB 1065542 (claims 1 - 8)

The invention defined in claims 1 - 24 is not novel when compared with any one of the above documents.

For example with regard to claim 1 D1 discloses a system of lifting comprising:

- a) a slab (22) with a plurality of apertures
- b) jack (11) comprising a shaft passing through the aperture
- c) a lower support means (40)
- d) means for connecting slabs to the shaft (61) including a support means (61)
- e) means (12) for effecting longitudinal travel of the supporting means (61) along the shaft
- f) position sensors (column 8 lines 50 - 53)
- g) controllers for moving the jacks in a synchronised manner (column 8 lines 21 - 23)

Similarly D2 and D3 also disclose the features of the claim 1.

The additional features mentioned in the claims 2 - 24 are either disclosed in the documents mentioned above or considered to be inessential features which do not significantly contribute to the working of the invention. Hence the claims 1 - 24 are not novel and lack an inventive step.

The claims 25 - 40 are novel because none of the cited documents disclose a jack comprising all the essential features of the claims, in particular, ball screw drive arrangement and a support device to support the shaft to prevent its toppling.